

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27127 of 2024

Arising Out of PS. Case No.-435 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Sudhir Singh @ Sudhir Kumar, Male, aged about 44 years, Son of Ramsvarth Kumar @ Ramsogarath Singh @ Ramswarth Kunwar, Resident of Village -Dhanaiya, P.S. -Sahebganj, District – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sahebganj P.S. Case No. 435 of 2020 instituted for the offences punishable under Sections 147, 148, 149, 341, 342 and 302 of the Indian Penal Code.

3. As per the prosecution case, altogether eleven named accused persons including the petitioner herein attacked the informant's husband with rod, lathi and other weapons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He next submits that there is no specific allegation levelled against the petitioner. Neither he



has been arrested at the spot nor any incriminating article has been recovered from the conscious possession of the petitioner. The petitioner was only the member of the mob and has no criminal antecedent as stated in para 3 of the petition is in custody since 24.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned XVIth Additional Sessions Judge, Muzaffarpur dated 29.02.2024, it appears that petitioner is named in the FIR and carries allegation of brutally assaulting the informant's husband by means of rod, lathi and weapons after forming an unlawful assembly, leading to his death. The inquest report shows that the death of the informant's husband as a result of assault and the postmortem report discloses multiple injuries on his person apart from fracture in right tibia and fibula. The cause of death, in the opinion of doctor is haemorrhage, comma and shock caused by hard and blunt substance. From perusal of the FIR, it appears that there is no specific allegation against the petitioner. Similarly situated co-accused person has been granted bail by this Court in Cr. Misc. No. 1813 of 2021 vide order dated 04.03.2021, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class (West) Muzaffarpur in connection with Sahebganj PS Case No. 435 of 2020, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Ramesh Chand Malviya, J)

Anand Kr.

U		T	
---	--	---	--

